

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JUN LI, :  
: :  
Plaintiff, : :  
: C.A. No. 06-596-KAJ  
v. : :  
: :  
MICHAEL CHERTOFF, Secretary of the :  
Department of Homeland Security, EMILIO :  
T. GONZALEZ, Director of U.S. :  
Citizenship & Immigration Services :  
(USCIS); PAUL E. NOVAK, JR., Vermont :  
Service Center Director, U.S. Citizenship & :  
Immigration Services; ROBERT S. :  
MUELLER, Director of Federal Bureau of :  
Investigation, :  
: :  
Defendants. : :

**MOTION TO DISMISS**

Defendants, through their undersigned counsel, respectfully move, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), to dismiss Plaintiff's Complaint. In support of this Motion, the Court is respectfully referred to the accompanying Memorandum of Points and Authorities. A proposed Order consistent with this Motion is attached hereto.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

/s/ Seth M. Beausang  
Seth M. Beausang (I.D. No. #4071)  
Assistant United States Attorney  
1007 N. Orange Street, Suite 700  
Wilmington, Delaware 19801  
(302) 573-6277

Dated: December 11, 2006.

**CERTIFICATE OF SERVICE**

I, Seth M. Beausang, hereby attest under penalty of perjury that on this 11th day of December, 2006, I caused two copies of Defendants' Motion to Dismiss, Memorandum of Points and Authorities in Support Thereof, and Proposed Order to be served on the Plaintiff by First Class Mail at the following address:

Jun Li  
18 Marvin Drive  
Apartment C-3  
Newark, DE 19713  
(302) 737-5313  
pro se

/s/ Seth M. Beausang  
Seth M. Beausang (DE I.D. No. 4071)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JUN LI, :  
: :  
Plaintiff, : :  
: C.A. No. 06-596-KAJ  
v. : :  
: :  
MICHAEL CHERTOFF, Secretary of the :  
Department of Homeland Security, EMILIO :  
T. GONZALEZ, Director of U.S. :  
Citizenship & Immigration Services :  
(USCIS); PAUL E. NOVAK, JR., Vermont :  
Service Center Director, U.S. Citizenship & :  
Immigration Services; ROBERT S. :  
MUELLER, Director of Federal Bureau of :  
Investigation, :  
: :  
Defendants. : :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of Defendants'  
Motion to Dismiss, and all papers filed in support thereof and opposition thereto, it is  
ORDERED that Plaintiff's Complaint is dismissed with prejudice.

---

United States District Judge